IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 10901 of 2005(W)

PETITIONER:

M.MOHAN, S/O.MANUEL, MOHANA SADANAM,
KUNNUVILA, THOZHUKKAL, NEYYATTINKARA P.O. TALUK,
THIRUVANANTHAPURAM NOW WORKING AS DEPUTY TAHSILDAR
OFFICE OF THE TAHSILDAR, REVENUE RECOVERY,
NEYYATTINKARA, THIRUVANANTHAPURAM.

BY ADV. SRI.N.SUGATHAN
SRI.P.PUSHPARAJAN
SMT.VARSHA BHASKAR

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF LAND REVENUE,
KERALA STATE, THIRUVANANTHAPURAM.

3. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

ADDL. RESPONDENT

4. THE DEPUTY COMMISSIONER FOR LAND REVENUE
COMMISSIONERATE OF LAND REVENUE
THIRUVANANTHAPURAM

BY GOVERNMENT PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 10901 OF 2005

Dated this the 21st December, 2006.

JUDGMENT

The petitioner is borne on the cadre of Deputy Tahsildar in the Revenue Department. He belongs to a scheduled caste community, and as such, entitled to get exemption from test qualification as provided in Rule 13A(1) of K.S & S.S.R. He has sought for a declaration that he is entitled to temporary exemption from passing criminal judicial test prescribed in the special rules for the Kerala Revenue Service for appointment as Tahsildar and that he is entitled to be appointed as Tahsildar. He has also sought for a direction to respondents 1 and 2 to hold the meeting of the Departmental Promotion Committee forthwith to include his name in the select list and to assign him appropriate place in the list notified and published pursuant to the meeting of the Departmental Promotion Committee on 30.12.2004.

2. Shri. N.Sugathan, learned counsel for the petitioner submits that in the select list notified pursuant to the meeting of the Departmental Promotion Committee held on 30.12.2004, juniors to the petitioner have been included and they have been promoted to the post of Tahsildar. Therefore, the petitioner has prayed for a

direction to the respondents to promote him to the cadre of Tahsildar with effect from 6.4.2005, the date on which his immediate junior in the category of Deputy Tahsildar was promoted.

3. Heard the Govt. Pleader also. The disputed issue is whether the test qualification viz., a pass in the criminal judicial test is a test coming within the purview of Rule 13A(1) of K.S & S.S.R. This Court had occasion to consider the above issue in Ext.P14 judgment passed on 9.10.2006 in W.P(C) 25902/2005. Ext.P14 judgment strengthens the contention of the petitioner. He is entitled to get the benefit of exemption as held in the case of similarly situated persons vide Ext.P14 judgment. It is so declared.

4. The Departmental Promotion Committee shall hold the ad hoc meeting as early as possible to consider the fitness of the petitioner to be included in the select list for the year 2005 (Ext.P7) deeming him to be fully qualified and prepare the select list within six weeks on the petitioner producing a copy of this judgment.

5. Counsel for the petitioner submits that there remains only nine months for the petitioner to retire from service. Having regard to that fact the Government shall issue, as expeditiously as possible, appropriate notification based on the select list prepared by the

Departmental Promotion Committee in its ad hoc meeting. Needless to state that depending on the rank assigned to the petitioner in the select list for the year 2005, he shall be granted promotion to the post of Tahsildar with effect from the date his juniors were promoted to the post of Tahsildar. The above exercise shall be expedited and completed bearing in mind that the petitioner belongs to a scheduled caste community and that he is to retire from service on superannuation within a short period. Writ petition is disposed of as above.

K.K.DENESAN
Judge

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